

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-09471

Priority: February 11, 2016

Maximum Diversion Rate: 0.09 CFS

This is to certify, that TERRY MCMENOMY And/Or
JENNIFER MCMENOMY
8800 E TRAYBUR CT
ST MARIES ID 83861

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	03/15 to 10/31	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (SW1/4NE1/4) Sec. 12, Twp 47N, Rge 03W, B.M. KOOTENAI County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
47N 03W 12			X				X										
			L 5				L 4										

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
47N 03W 12			.8			.1	.7										1.6
			L 5			L 4	L 4										

Total Acres: 1.6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2021**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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5. Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 12th day of April, 20 16.


MORGAN CASE, Northern Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

94-9471

This map depicts the DOMESTIC and IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 21, 2016

TERRY MCMENOMY AND/OR
JENNIFER MCMENOMY
8800 E TRAYBUR CT
ST MARIES ID 83861

RE: Permit No. 94-9471

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,



Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-9471

**JENNIFER MCMENOMY
8800 E TRAYBUR CT
ST MARIES ID 83861**

**TERRY MCMENOMY
8800 E TRAYBUR CT
ST MARIES ID 83861**



**Dianne L Ball
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Kootenai } ss

Melinda VanSickle

being first duly sworn

upon oath deposes and says

1 I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action

2 I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press" a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county

3 The legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 18 day of February 20 16 and ending on the 25 day of February 20 16 and such publication was made as often during said period as said Daily newspaper was regularly issued

4 That said newspaper has been continuously and uninterruptedly published in said Kootenai County during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Melinda VanSickle

On this 25 day of February in the year of 2016, before me, a Notary Public, personally appeared Melinda VanSickle known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George
Notary Public for the State of Idaho
residing at Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 8/29/17

RECEIVED
FEB 23 2016
IDWR/NORTH

RECEIVED
FEB 29 2016
IDWR / NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho

94-9470

TERRY MCMENOMY
JENNIFER MCMENOMY
8800 E TRAYBUR CT
ST MARIES, ID 83861

Point of Diversion NWSE S18 T47N R02W KOOTENAI County
Source GROUND WATER

Use: COMMERCIAL	01/01 to 12/31	0.03 CFS
Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: IRRIGATION	03/15 to 10/31	0.2 CFS
Use: STOCKWATER	01/01 to 12/31	0.02 CFS
Total Diversion: 0.2 CFS		

Date Filed: 2/11/2016

Place of Use: COMMERCIAL T47N R02W S18 NWSE

Place of Use: IRRIGATION T47N R02W S18 NESW NWSE

Place of Use: DOMESTIC T47N R02W S18 NWSE

Place of Use: STOCKWATER T47N R02W S18 NESW NWSE

Total Acres: 20

Domestic use is for 1 home.

Stockwater use is for 10 head of mixed stock.

Commercial use is for small greenhouse

94-9471

TERRY MCMENOMY
JENNIFER MCMENOMY
8800 E TRAYBUR CT
ST MARIES, ID 83861

Point of Diversion L5(SWNE) S12 T47N R03W KOOTENAI County
Source GROUND WATER

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
Use: IRRIGATION	03/15 to 10/31	0.05 CFS
Total Diversion: 0.09 CFS		

Date Filed: 2/11/2016

Place of Use: DOMESTIC T47N R03W S12 L5(SWNE) L4(SENW)

Place of Use: IRRIGATION T47N R03W S12 L5(SWNE) L4(NENW)

Place of Use: L4(SENW)

Total Acres: 1.6

Domestic use is for 1 home.

95-17136

CHARLES HUSBAND
PO BOX 489

ATHOL, ID 83801

Point of Diversion SESWSE S35 T52N R05W KOOTENAI County

Source SPRING tributary SINKS

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
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Total Diversion: 0.04 CFS

Date Filed: 2/4/2016

Place of Use: DOMESTIC T52N R05W S35 SESE

Domestic use is for 1 home and up to 1/2 acre irrigation.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/7/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

LEGAL 5106

FEBRUARY 18, 25, 2016